



2004 GENERAL ASSEMBLY LEGISLATION SUMMARY



SB 54 Waterfowl, migratory and non-migratory (Passed)

- Allows localities to prohibit the feeding of migratory and non-migratory waterfowl in a heavily populated area.
- Applicable where the feeding of waterfowl would be a threat to public health or the environment.
- DGIF is to make available a suggested model ordinance.
- The penalty for violation of such an ordinance is a civil fine not to exceed \$50.
- HB 401 Defeated in House (Similar Bill)

SB 109 Submerged land permit; exemptions (Defeated)

- Exempts a water supply project that has received a VWP permit from the State Water Control Board from having to receive a separate permit from Virginia Marine Resources Commission for use of state-owned bottomland.
- State Water Control Board must consult with the VMRC and consider any of its written recommendations.
- The issuance of the permit by the State Water Control Board would constitute the final state action on the project.

SB 110 Water supply plan regulations; effective date. (Passed)

- Delays the effective date of water supply plan regulations one year.
- Because the Technical Advisory Committee has not completed its drafting of these regulations, the date on which the regulations can become effective has been delayed until after July 1, 2005.

SB 267 Rivanna River Basin Commission; Created (Passed)

- Establishes the Rivanna River Basin Commission for the stewardship and enhancement of the water and natural resources of the Rivanna River Basin.

SB 322 Natural resources; recovery of damages to State (Continued to 2005)

- Attorney General may employ special counsel if it is impracticable or uneconomical for the Attorney General's office to render the required legal services for cases involving the recovery of damages to natural resources.

SB 351 Subdivision ordinances; provisions to allow locality to determine adequate water supply sources (Continued to 2005)

- Authorizes localities to include in their subdivision ordinances provisions to determine the adequacy of water sources and infrastructure to meet the demand required by a new subdivision.
- Locality must identify in its comprehensive plan, and in the local regional water plan required by the state, the (i) adequacy of public water supply facilities (ii) the areas where such subdivisions may be located, and (iii) existing water supply and infrastructure needs in the potential growth area.
- If the locality determines that adequate water supply or related water facilities do not exist, it must provide a timeframe of when such supply or facilities will be adequate to meet the water demand.
- The determination of what constitutes an adequate water supply is based on the demand projections developed as part of the adopted local or regional water supply plan.

SB 400 Water-saving ordinances; localities may impose (Passed)

- Permits localities to restrict the nonessential use of ground water during declared water shortages or water emergencies.

SB 406 Roanoke River Basin Advisory Committee; membership (Passed)

- This bill returns appointive power to the legislative members of the Commission to appoint 11 non-legislative citizen members nominated by the planning district commissions (PDCs) within the basin.
- Adds two non-legislative citizens at large, one appointed by the Senate Committee on Rules and one appointed by the Speaker of the House of Delegates.
- General Assembly Members are “Ex officio” without voting privileges

SB 426 Stormwater; regulation of billing charges (Passed)

- Allows a locality to combine the billings for stormwater charges with other billings, and to establish by ordinance the order in which payments will be applied to the different charges.
- The bill also prohibits localities from combining its billings with other localities, political subdivisions, or waste and water authorities without the consent of that locality or political subdivision

SB 482 and HB 1045

Agricultural Enterprise Zone Act; Created

(Continued to 2005)

- Governor to establish ag enterprise zones upon application by localities with established agricultural or forestal districts, or purchase of development rights programs.
- "Qualified farm businesses" eligible for certain state business tax credits and sales tax exemptions.
- Must establish ag or forestry operation, make a net investment of \$250,000, and create five new full-time jobs.
- Existing operations may increase full-time employees by 10 percent over the preceding two years.

SB 523 Watershed Coordination Program; established (Passed)

- Department of Conservation and Recreation to create the Watershed Coordination Program to engage stakeholders in each major basin.
- To develop comprehensive strategic plans to mitigate and prevent non-point source water pollution.
- The Program will continue the work of watershed roundtables, support citizen stewardship activities, and be coordinated with the agencies of the Secretariat of Natural Resources, the Department of Forestry, and the Department of Agriculture and Consumer Services.
- The Program will be funded with private funds; however, DCR may assist with the initial costs associated with the development of the Program.
- This bill allows DCR to assist in fund-raising efforts to supplement the Fund and provide assistance to the fund-raising efforts of the watershed roundtables.

SB 543 and HB 1212 Agriculture and Forestry, Secretary of; established (Passed)

- Responsible for the Department of Forestry, Department of Agriculture and Consumer Services, Virginia Agricultural Council, and Virginia Marine Products Board.
- The provisions of this bill will become effective no later than the beginning of the term of the Governor elected November 8, 2005; however, if funding for the position and expenses of the Secretary of Agriculture and Forestry is included in the 2004 appropriation act passed by the General Assembly, this bill will become effective beginning on the date set out in the appropriation act.
- This bill also directs the Governor to appoint a Deputy Secretary of Agriculture and Forestry within the Secretariat of Commerce and Trade to administer the policies affecting agricultural and forestry interests until the position of Secretary of Agriculture and Forestry is filled.

SB 569 (SB 527 incorporated) and HB 693
Natural and Historic Resources Fund and Commission;
created, report
(Left in Senate Finance and House Appropriations
Committees)

- Creates the Virginia Natural and Historic Resources Fund.
- Permanent, non-reverting fund of moneys appropriated by the GA and any other public or private moneys.
- Moneys will be allocated to the VA Land Conservation Fund and the VA Water Quality Improvement Fund.
- The bill establishes the seven-member VA Natural and Historic Resources Fund Commission with the SNR as chairman and 6 citizen members.
- \$10 fee is assessed on various deeds for which the state recordation tax is collected and on the recordation of a certificate of satisfaction.

HB 100 Water and sewer connections; suspension

(Tabled in House Committee)

- Provides that a locality or an authority may suspend connections to its water and sewer systems during periods when mandatory water conservation measures have been imposed.

HB 335 Zoning ordinances; to promote quality water resources

(Tabled in House Committee)

- Provides that the general purpose of promoting the health, safety or general welfare of the public shall explicitly include the authority, through zoning, subdivision, site plan and building permit actions, to regulate, restrict, permit, prohibit and determine the uses of land based upon the present availability of drinking water resources and upon objective measures of future water resource availability.

HB 496 Floodways or floodplains; unlawful to obstruct or contaminate

(Tabled in House Committee)

- Includes floodways and 100-year floodplains in the prohibition of obstructing or contaminating state waters.
- Expands venue to include similar courts in contiguous localities
- Allows the court to award costs, including the costs of expert testimony, and reasonable attorney's fees up to \$25,000, to any prevailing party authorized to bring the action.

HB 603 No discharge zones; regulations (Passed)

- Directs the State Water Control Board to adopt certain regulations for no discharge zones.
- Controls the discharge of sewage from boats and vessels
- Requires marinas to notify boat patrons of the no discharge restrictions.

HB 685 Water Protection Permit; provisions (Passed)

- DEQ will review VWP applications for completeness within 15 days of receiving the application.
- A determination of completeness does not mean the Board will issue the permit, only that it contain sufficient information to process the application.

HB 737 Water and sewage systems; mandatory connection in Franklin County

(Passed)

- Adds Franklin County to those counties with authority to require connection to their water and sewage systems
- Ordinance may provide that taxes or charges imposed for water or sewers or use thereof shall be a lien on the real estate served by such waterline or sewer.

HB 747 Sewage systems and public water supplies, local; adequacy (Continued to 2005)

- VA Department of Health to determine the adequacy of local sewage systems and public water supplies provided by each locality.
- If a locality's sewage systems or public water supplies are not adequate to serve its current population, or will be inadequate within the next five years, and the locality fails to cure this situation, then VDH shall establish and apply a impact fee in such locality.
- The fee will be collected from builders of new residential units.

HB 955 Animal feeding operations; penalty for violation (Passed)

- Clarifies that any civil penalty imposed for violating a confined animal feeding operation permit shall not exceed \$2,500 for any confined animal feeding operation that is covered by a VPA permit

HB 1142 Aquatic nuisance species, non-indigenous; control and eradication (Passed)

- DGIF to utilize the best available scientific technology that is specific to controlling the targeted non-indigenous aquatic nuisance species, environmentally sound, practical, and cost effective.
- SNR to seek and accept all possible funding to carry out the purposes of the Non-indigenous Aquatic Nuisance Species Act.

HB 1177 Storm-water management programs; reorganization (Passed)

- Consolidates Virginia's storm-water management programs within the DCR
- Transfers oversight responsibilities to the VA Soil and Water Conservation Board from the Board of Conservation and Recreation.

**HB 1227 Rappahannock River Basin Comm.;
created as indep. loc. entity w/o political sub.
status, membership
(Passed)**

- Rappahannock River Basin Commission created as an independent local entity w/o political subdivision status.
- Membership based on House and Senatorial Districts with representation from certain local governing bodies.
- 12 or one-third of the members of the Commission constitutes a quorum.

HB 1271 Soil and water conservation districts; non-point source pollution activities (Passed)

- Specifies the roles of SWCD's in assisting DCR.
- Provide technical assistance to promote conservation management practices
- Deliver educational initiatives on water quality issues
- Promote incentives to encourage voluntary actions to minimize non-point source pollution
- Administer DCR's Ag BMP Cost-Share Assistance Program at the local level

HJ 72 Nutrient management plan; JLARC to study effectiveness of implementation, performance & enforcement (Passed)

- JLARC to study the effectiveness of the implementation, performance, and enforcement of Virginia's nutrient management plans.
- JLARC to make recommendations concerning improvements to non-point source pollution that comply with the nutrient management program.

**HJ 102 Canada geese, non-migratory;
Department of Game and Inland Fisheries
to study strategies to control
(Tabled in House Committee)**

- Requests that the Department of Game and Inland Fisheries study strategies to control non-migratory Canada Geese populations.

HJ 226 Natural aquatic resources; Institute of Marine Science to study (Continued to 2005)

- VIMS to study the natural aquatic resources associated with available water resources.
- Two-year study with the final report to be submitted to the 2006 Session of the General Assembly.
- Subject matter will be considered by the State Water Commission during the 2004 interim.